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2 BILL NO. B-81-01-06
3

4 RESOLUTION NO. R-03-81

5 A RESOLUTION approving Fort Wayne
6 Redevelopment Commission's
7 Resolution No. 80-95 - Amendment
8 to Declaratory Resolution No. 78-13
9 West Main Street Renewal Project
10 Amended

11 BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT
12 WAYNE, INDIANA:

13 Section I. That Resolution No. 80-95, Amendment
14 to Declaratory Resolution No. 78-13, West Main Street
15 Renewal Project Amended, adopted by the Fort Wayne
16 Redevelopment Commission on December 15, 1980 and approved
17 by the City Plan Commission on December 22, 1980, all as
18 more particularly set forth in said Resolution No. 80-95
19 on file in the Office of the Fort Wayne Redevelopment
20 Commission and is by reference incorporated herein, made a
21 part hereof and is hereby in all things ratified, confirmed,
22 and approved.

23 Section II. This Resolution shall be in full
24 force and effect from and after its passage and approval
25 by the Mayor.

26 APPROVED AS TO FORM AND
27 LEGALITY

28 J. E. Hoffman
29 JOHN E. HOFFMAN
30 City Attorney

31 Vivian L. Schmidt
32 Councilman
33
34
35

Read the first time in full and on motion by V. Schmidt, seconded by J. Burns, and duly adopted, Read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 1-13-81, the 13 day of January, 1981, at 7 o'clock P. M., E.S.T.

DATE: 1-13-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by J. Burns, and duly adopted, placed on its passage. PASSED (Lost) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</u>			
<u>BURNS</u>		<u>X</u>			
<u>EISBART</u>	<u>X</u>				
<u>GIAQUINTA</u>	<u>X</u>				
<u>NUCKOLS</u>	<u>X</u>				
<u>SCHMIDT, D.</u>	<u>X</u>				
<u>SCHMIDT, V.</u>	<u>X</u>				
<u>SCHOMBURG</u>	<u>X</u>				
<u>STIER</u>	<u>X</u>				
<u>TALARICO</u>	<u>X</u>				

DATE: 1-27-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 9-03-81 on the 27th day of January, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of January, 1981, at the hour of 11:00 o'clock A M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 28th day of Jan. 1981, at the hour of 1 o'clock P M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. R-81-01-06

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN
ORDINANCE ~~XXXXXX~~ A RESOLUTION approving Fort Wayne Redevelopment Commission's
Resolution No. 80-95 - Amendment to Declaratory Resolution
No. 78-13 West Main Street ~~Re~~yewal Project Amended

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE ~~DO NOT~~ PASS. *Do*

VIVIAN G. SCHMIDT, CHAIRMAN

Vivian G. Schmidt

JAMES S. STIER, VICE CHAIRMAN

Jim Stier

MARK E. GIAQUINTA

Mark E. GiaQuinta

PAUL M. BURNS

ROY J. SCHOMBURG

Roy Schomburg

CONCURRED IN

DATE 1/27/81 CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF THE
FORT WAYNE CITY PLAN COMMISSION

The City Plan Commission of the City of Fort Wayne in regular session on December 23, 1980, having before it a copy of the "Fort Wayne Redevelopment Commission's Amendment to Declaratory Resolution No. 78-13, West Main Street Renewal Project Amended adopted by the Redevelopment Commission on December 15, 1980 having been duly considered, the Fort Wayne City Plan Commission upon motion by William Schmidt, seconded by Mark Hays, and unanimously approved, adopted the following resolution:

WHEREAS, the Fort Wayne Redevelopment Commission has submitted to the Fort Wayne City Plan Commission a Resolution adopted by the Fort Wayne Redevelopment Commission on December 15, 1980 designated as "Amendment to Declaratory Resolution No. 78-13 West Main Street Renewal Project Amended", as required by the Redevelopment of Cities and Towns Act of 1953 (Chapter 176 of the Acts of 1953 of the General Assembly of the State of Indiana, as Amended and Supplemented) and said Declaratory Resolution having been duly considered by the Fort Wayne City Plan Commission and found to be in conformance with the Master Plan of Development for the City of Fort Wayne.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that said Declaratory Resolution - Amendment to Declaratory Resolution No. 78-13, West Main Street Renewal Project Amended conforms to the Master Plan of Development for the City of Fort Wayne and said Declaratory Resolution is accordingly hereby approved.

BE IT FURTHER RESOLVED that the President of this Commission be and he is hereby authorized to deliver to the Fort Wayne Redevelopment Commission and to the Common Council of the City of Fort Wayne a certified copy of this resolution which shall constitute the approving order of the Fort Wayne City Plan Commission as required by law approving said Amendment to Declaratory Resolution No. 78-13, West Main Street Renewal Project Amended.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, George F. Simler, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true, and correct copy of a resolution adopted by the Fort Wayne City Plan Commission at a regular meeting of said Commission held on 12/22/80, and as the same appears of record in the official records of the said Plan Commission dated the 22 day of December, 1980.

Approved:


George F. Simler, President
FORT WAYNE CITY PLAN COMMISSION

RESOLUTION NO. 80-95

AMENDMENT
TO
DECLARATORY RESOLUTION NO. 78-13
WEST MAIN STREET RENEWAL PROJECT AMENDED

WHEREAS, the Fort Wayne Redevelopment Commission (the "Commission") pursuant to Section 12 of Chapter 176 of the Acts of 1953 of the General Assembly of the State of Indiana, the Redevelopment of Cities and Towns Act of 1953 (the "Act") (I.C. 18-7-7-12) adopted Declaratory Resolution No. 78-13 finding that the following described real estate in the City of Fort Wayne, Indiana, was blighted, deteriorated, and deteriorating within the meaning of the Act, which area is bounded and described as follows:

Beginning at the point of intersection of the easterly right-of-way line of Calhoun Street and the southerly right-of-way line of the Norfolk and Western Railway Company; thence westerly along the southerly right-of-way line of the Norfolk and Western Railway Company to the westerly right-of-way line of Harrison Street; thence southerly along the westerly right-of-way line of Harrison Street to the northerly right-of-way line of Pearl Street; thence westerly along the northerly right-of-way line of Pearl Street to the westerly right-of-way line of Maiden Lane; thence southerly along the westerly right-of-way line of Maiden Lane to the northerly right-of-way line of Main Street; thence westerly along the northerly right-of-way line of Main Street to the easterly right-of-way line of Ewing Street; thence southerly along the easterly right-of-way line of Ewing Street to the northerly right-of-way line of Berry Street; thence easterly along the northerly right-of-way line of Berry Street to the westerly right-of-way line of Maiden Lane; thence northerly along the westerly right-of-way line of Maiden Lane to the southerly right-of-way line of Main Street; thence easterly along the southerly right-of-way line of Main Street to the easterly right-of-way line of Calhoun Street; thence northerly along the easterly right-of-way line of Calhoun Street to the point of beginning.

(the "Blighted Area"), determined that all proceedings relating to the Blighted Area should thereafter be referred to as the West Main Street Renewal Project Amended, approved the Urban Renewal Plan for the Blighted Area, and determined that the urban renewal of such Blighted Area would be of public utility and benefit; and

80-95

WHEREAS, said resolution was submitted to and approved by the City Plan Commission of Fort Wayne and the Common Council of the City of Fort Wayne, and thereafter pursuant to notice published in accordance with the requirements of the Act, determined that the proceedings relating to the project was in the public utility and benefit; and

WHEREAS, Section 39.1 of the Act, as added by Public Law 134 in the Second Regular Session of the General Assembly of the State of Indiana of 1980 (I.C. 18-7-7-39.1) provides that a declaratory resolution previously adopted by the Commission may include an allocation provision by amendment of such declaratory resolution in accordance with the procedures required for the original adoption of the declaratory resolution; and

WHEREAS, the Commission now desires to amend Declaratory Resolution No. 78-13 so as to include a provision for the allocation and distribution of taxes as authorized in Section 39.1 of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Redevelopment Commission that Declaratory Resolution No. 78-13 be and is hereby now amended by the insertion of the following additional section:

BE IT FURTHER RESOLVED, That

(a) As used in this resolution for purposes of distribution and allocation of real property taxes, "allocation area" means all of the Blighted Area included in Declaratory Resolution No. 78-13.

(b) Any real property taxes hereafter levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property in the allocation area described in the Declaratory Resolution No. 78-13 shall be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of such taxes attributable to the lesser of: (i) the assessed value of such property for the

assessment date with respect to which the allocation and distribution is made, or (ii) the assessed value of all such property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of Declaratory Resolution No. 78-13, shall be allocated to and when collected paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, real property tax proceeds in excess of those described in clause (1) of this section shall be allocated to the Commission and when collected paid into a special fund which shall be used by the Commission only to: (i) pay the principal and interest of and interest on any obligations incurred by the Commission for the purpose of financing or refinancing the redevelopment of the allocation area; or (ii) reimburse the city or town for expenditures made by it for public improvements in the allocation area, or for rentals paid by it for a building or off-street parking facility in the allocation area under any lease entered into pursuant to I.C. 18-5-5.3.

(3) When the monies in the allocation fund are sufficient to pay when due all principal, and interest, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner provided in clause (1) of this section.

BE IT FURTHER RESOLVED that in all proceedings hereafter relating to the West Main Street Renewal Project Amended the same shall be referred to as the West Main Street Renewal Project Amended, as amended.

BE IT FURTHER RESOLVED that a copy of this resolution be submitted to the City Plan Commission of Fort Wayne for examination by that body and its determination as to whether this declaratory resolution conforms to the master plan of development for said city and for its written order approving or

disapproving this declaratory resolution.

BE IT FURTHER RESOLVED that if an approving order is issued by said City Plan Commission, the same shall be transmitted to the Common Council of the City of Fort Wayne for its approval.

BE IT FURTHER RESOLVED that upon receipt of the written order of approval of said City Plan Commission and the approval of the Common Council of the City of Fort Wayne a notice shall be published in accordance with the requirements of Section 14 of the Redevelopment of Cities and Towns Act of 1953 (Chapter 176 of the Acts of 1953 of the General Assembly of the State of Indiana, as amended) fixing a date for the receiving and hearing of remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and for the final determination of the public utility and benefit thereof.

ADOPTED at a Special Meeting of the Fort Wayne Redevelopment Commission held December 15, 1980 in the Commission offices on the 8th Floor of the City-County Building, One Main Street, Fort Wayne, Indiana.

FORT WAYNE REDEVELOPMENT COMMISSION

By: 
Robert W. Hutner, President

By: 
Hana L. Stith, Secretary

ATTEST:


Gary Wasson, Acting Executive
Director

ADOPTED December 15, 1980

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE

Resolution

B-81-01-06

DEPARTMENT REQUESTING ORDINANCE

Redevelopment Commission

SYNOPSIS OF ORDINANCE

Approving Fort Wayne Redevelopment Commission

Resolution No. 80-95 to provide tax increment financing for West Main

Street Renewal Project amended (no specific project allocated at this

time).

EFFECT OF PASSAGE

Establishes alternative financing for future

public improvement projects in the area.

EFFECT OF NON-PASSAGE

No alternative financing available.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

None .

ASSIGNED TO COMMITTEE (PRESIDENT)